

THE LIST

Part B Compliance:

NOVEMBER 2015

- ☐ Make plans to gather the data needed to complete the **DECEMBER 1 CHILD COUNT**.
- ☐ **MAP-A** fall testing window for ELA and math runs from November 5 – December 17, 2015 for grades 3-8 and grade 11. Remember the DLM is also available during this window for district-wide testing in grades 9, 10, and 12 in these subjects. Also note the Science Field Test for all grade levels runs between November 9 and December 2, 2015.
- ☐ Be aware of the **UPDATES TO FORM D** as a result of changes made by the testing companies for the ACT and ACCESS for ELLS state-wide assessments. The IEP of any student participating in either of these two state-wide assessments must be amended to reflect these updates prior to the administration of the assessment.
- ☐ Note the **ACT** will now allow certain approved accommodations to the online administration of the test. As with the paper-pencil version of the ACT, only those accommodations approved by ACT can be provided to students. LEAs must submit accommodation requests with accompanying documentation supporting the request to ACT no later than January 22, 2015. An online ACT accommodations training is available at <http://www.act.org/aap/missouri/act.html> by clicking on the “Training” link at the bottom of the page.
- ☐ Note the ACCESS for ELLs now offers an alternate version for ELLs who are eligible to participate in the MAP-A. More information about the **ALTERNATE ACCESS** is available at <http://dese.mo.gov/college-career-readiness/assessment/access-ells>
- ☐ OSEP issued a Dear Colleague Letter on 10/23/15 to clarify that there is nothing in the IDEA that would prohibit the use of the terms **DYSLEXIA, DYSCALCULIA, AND DYSGRAPHIA** in IDEA evaluation, eligibility determinations or IEP documents. This guidance is consistent with current guidance provided in Missouri that these medical diagnoses should be taken into consideration when determining categorical eligibility under IDEA. Below is a link to the Dear Colleague letter: <http://www2.ed.gov/policy/speced/guid/idea/memosdcrltrs/guidance-on-dyslexia-10-2015.pdf>
- ☐ Enjoy your **THANKSGIVING** holiday but remember to count the Thanksgiving weekend in the 60 day timeline for evaluations.



☐ 89% of **COHORT 1** LEAs have approved Plans for Correction for identified noncompliance to date. If your Plan for Correction has not been approved, please work with your Compliance Supervisor and Compliance Consultant to get this accomplished as soon as possible. LEAs should be working to correct the noncompliance of each identified student and submitting documentation to clear these I-CAPs by December 31, 2015. Visit with your Compliance Supervisor or Consultant if you have questions or need assistance.

☐ 96% of **COHORT 2** LEAs attended the Self-Assessment Trainings in October. We are working to make IMACS “live” without glitches as soon as possible – watch for the email notification. Develop a plan for conducting the self-assessment file reviews which are due in IMACS no later than February 1, 2016. Also be collecting data on all initial evaluations and Part C to Part B transitions completed between July 1, 2015 and April 30, 2016.

☐ **COHORT 3** LEAs should be planning for professional development to maintain compliance and improve outcomes for students with disabilities. TOPs Training is strongly encouraged!

☐ The HOT TOPICS noted below are taken from the most frequent questions / issues received in the department over the past month. We are hoping this information will provide timely and reliable guidance to all LEAs in Missouri. If you would like to suggest a Hot Topic, please submit your question to your RPDC Compliance Consultant.

Issue	Legal Reference	Notes
Why must the IEP team reconvene to determine if FAPE was provided and if compensatory services are owed?	OSERS letter to Pergament (12/20/13)	<p>When the 60 timeline for determining eligibility for special education is exceeded without acceptable extensions, individual correction of this noncompliance is required. This individual correction is accomplished by having the affected student’s IEP team to meet and determine if FAPE was provided during the “window” between when eligibility should have been determined and when the IEP services started. If FAPE was not provided, then a decision must be made regarding compensatory services. If FAPE was provided, then IEP team meeting notes and a NOA should reflect that decision. Here is a link to an OSEP letter that discusses the concept of compensatory services when the IEP was not implemented for other reasons: http://pattan.net-website.s3.amazonaws.com/images/2014/09/29/Pergament_122013.pdf</p> <p>Note the concept is the same – services were not provided as required and the IEP team must determine if FAPE was provided and, if necessary, develop a plan to provide FAPE to the individual student.</p>

For MAP-A students, do science goals and benchmarks need to be included in the IEP for it to be compliant? .	<p>200.810.f</p> <p>CFR 300.320</p> <p>State Plan - Regulation IV</p>	<p>Compliance requires a statement of measurable annual goals. Note that “measurable” means written in terms that include the skill or behavior and the level of attainment that will be achieved. Compliance also requires a description of benchmarks or short-term objectives aligned to alternate achievement standards for students taking the alternate assessment. Science is a class, not a skill or behavior; therefore, it would be appropriate to include the skill or behavior addressing the science concepts in the student’s goals and objectives/benchmarks (e.g. Student will increase math skills for rounding numerals by reading the thermometer to report the outside temperature to the nearest 10 degree mark by the end of first semester in 4 of 5 opportunities).</p>
Observation for re-evaluation requirement - for a re-evaluation without assessment, did I understand that the observations reported by classroom/sped teachers noted in the RED will fulfill this requirement? Or for every re-evaluation in the areas of SLD, ED, Autism, should we be marking that we do need further assessment and mark the observation box on the Known Tests for Documentation form (completed along with NOA) and then conduct a formal observation to add to the reevaluation report?	<p>200.480</p> <p>CFR 300.305 and 300.310</p> <p>State Plan - Regulation III</p>	<p>When a reevaluation is conducted for a student identified in the areas of SLD, ED or Autism, there must be an observation conducted of that student in order to determine that the student continues to be a student with a disability under one of those categories. This observation <u>can be</u> conducted through prior routine classroom observations or through a formal observation conducted as part of a reevaluation with assessment. Any observation conducted prior to the referral for a reevaluation must be documented on the RED. It would be most appropriate to document these types of observations under the Academic Achievement section of the RED as either “teacher observations” or “teacher reports.” If the team determines that an additional observation is not needed, then be sure to include the observation data from the RED in the evaluation report if other additional data is collected and an evaluation report is written.</p>
Can a Notice of Action include more than one action?	<p>200.1050</p> <p>CFR 300.503</p> <p>State Plan – Regulation V</p>	<p>Yes. It is very important to be aware of whether the proposed actions required consent, waiver of the 10 days to implement, or a combination of both. For instance, a NOA for initial services and initial placement are often combined. Initial services require prior written notice and consent; initial placement only requires prior written notice. In order for the actions to take place immediately, consent for the initial services as well as the waiver of the 10 days to implement would be expected.</p>